

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

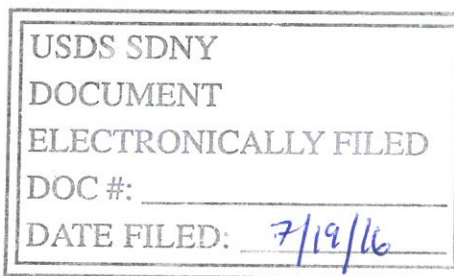
JERMAINE DORE,

Petitioner,

-v-

UNITED STATES OF AMERICA,

Respondent.



Nos. 16-cv-699 (RJS),  
16-cv-4651 (RJS), &  
12-cr-45-2 (RJS)  
ORDER

RICHARD J. SULLIVAN, District Judge:

On January 29, 2016, Petitioner Jermaine Dore, proceeding *pro se*, filed a motion to vacate, set aside, or correct his sentence pursuant to 28 U.S.C. § 2255. (16-cv-699, Doc. No. 1.) On June 15, 2016, the Court issued an order appointing Christopher A. Flood, Esq., of the Federal Defenders as counsel to Petitioner in case number 16-cv-699 for the purpose of assisting Petitioner with his claims related to the Supreme Court's ruling in *Johnson v. United States*, 135 S. Ct. 2551 (2015). (16-cv-699, Doc. No. 14.) On July 13, 2016, the Court issued an order staying case number 16-cv-699 pending a decision by the Second Circuit in *United States v. Hill*, No. 14-3872, or *United States v. Barrett*, No. 14-2641, and directing Petitioner to file an amended petition within 30 days of such a decision. (16-cv-699, Doc. No. 17.) In the interim, Petitioner, via his counsel Mr. Flood, filed a second habeas petition pursuant to 28 U.S.C. § 2255, raising *Johnson* issues. (16-cv-4651, Doc. No. 1.)

In light of the stay and anticipated amended petition in case number 16-cv-699, it appears that the petition filed in case number 16-cv-4651 may be duplicative and unnecessary. Accordingly, IT IS HEREBY ORDERED THAT, by August 18, 2016, Petitioner shall submit a

letter advising the Court as to whether case number 16-cv-4651 may be dismissed as duplicative or whether Petitioner proposes some other approach, such as consolidation of the two cases.

SO ORDERED.

Dated: July 19, 2016  
New York, New York

  
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RICHARD J. SULLIVAN  
UNITED STATES DISTRICT JUDGE